



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

***IN THE MATTER OF
COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF CALCERTS, INC.***

Docket No. 12-CAI-01

ORDER DIRECTING PARTIES TO SUBMIT POST-HEARING BRIEFS

On May 11, 2012, the Committee assigned to this proceeding conducted an evidentiary hearing. During the hearing, the Committee affirmed its prior directive that the parties submit post-hearing briefs.

The Committee hereby directs the parties to submit briefs, based on their respective positions, which discuss how the documentary evidence and hearing testimony address the following topics:

1. Whether CalCERTS, Inc. is a state actor.
2. Whether Erik Hoover and Patrick Davis have interests that were entitled to procedural due process under the federal and California constitutions. If so, describe the interests.
3. Whether CalCERTS, Inc., before it decertified Erik Hoover and Patrick Davis, provided notices and opportunities to be heard that satisfy federal and California constitutional procedural due process requirements.
4. Whether there are requirements for fair procedure applicable to non-state actors under California decisional law. If so, please identify and discuss whether these requirements were met.

The briefs must identify supporting exhibits, cite to the hearing transcript, and discuss applicable decisional law as appropriate. The briefs may discuss any additional matters of importance to the parties.

The parties must file and serve briefs within seven business days after the Energy Commission posts the hearing transcript on the Commission's website.

IT IS SO ORDERED.

Dated: May 18, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Committee re Complaint and Investigation
Against CalCERTS, Inc.

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Committee re Complaint and Investigation
Against CalCERTS, Inc.



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**Docket No. 12-CAI-01
(Revised 5/21/12)**

RESPONDENT

CalCERTS, Inc.
Mike Bachand
31 Natoma Street, Suite 120
Folsom, CA 95630
mike@calcerts.com

RESPONDENT'S COUNSEL

Jane E. Luckhardt
Andrew L. Collier
Shelby M. Gatlin
Downey Brand, LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com
acollier@downeybrand.com
sgatlin@downeybrand.com

COMPLAINANTS

Patrick Davis
JAAR Sales, Inc.
DBA Valley Duct Testing
2272 Sierra Meadows Drive
Suite A
Rocklin, CA 95677

Erik Hoover
JAAR Sales, Inc.
DBA Valley Duct Testing
2272 Sierra Meadows Drive
Suite A
Rocklin, CA 95677

COMPLAINANTS' COUNSEL

David Haddock
David Haddock Legal
P.O. Box 2501
Citrus Heights, CA 95611
dave@davidhaddocklegal.com

**INTERESTED
AGENCIES/ENTITIES/PERSONS**

CHEERS
David Blanke
20422 Beach Boulevard, Suite 235
Huntington Beach, CA 92648
dblanke@cheers.org

CBPCA HERS Providership
Michael T. Thompson, Director
P.O. Box 460
Nevada City, CA 95959
michaelt@cbpca-hers.org

CalHERS
George J. Nesbitt
978 40th Street
Oakland, CA 94068
e-mail service preferred
george@houseisasystem.com

**ENERGY COMMISSION -
DECISION-MAKERS**

KAREN DOUGLAS
Commissioner and Presiding Member
e-mail service preferred
karen.douglas@energy.ca.gov

ANDREW McALLISTER
Commissioner and Associate Member
e-mail service preferred
andrew.mcallister@energy.ca.gov

Kourtney Vaccaro
Hearing Adviser
e-mail service preferred
kourtney.vaccaro@energy.ca.gov

Galen Lemei
Advisor to Presiding Member
e-mail service preferred
galen.lemei@energy.ca.gov

Jennifer Nelson
Advisor to Presiding Member
e-mail service preferred
jennifer.nelson@energy.ca.gov

*David Hungerford
Advisor to Associate Member
e-mail service preferred
david.hungerford@energy.ca.gov

ENERGY COMMISSION STAFF

Dennis Beck

Senior Staff Counsel

e-mail service preferred

dennis.beck@energy.ca.gov

Caryn Holmes

Acting Assistant Chief Counsel

e-mail service preferred

caryn.holmes@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings

Public Adviser's Office

e-mail service preferred

publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on May 21, 2012, I served and filed copies of the ORDER DIRECTING PARTIES TO SUBMIT POST-HEARING BRIEFS, dated May 18, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:

<http://www.energy.ca.gov/HERS/12-cai-01/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- ☒ Served electronically to all e-mail addresses on the Proof of Service list;
- ☒ Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- ☒ by sending an electronic copy to the e-mail address below (preferred method); **OR**
- ☐ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 12-CAI-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- ☐ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:

RoseMary Avalos
Hearing Advisers Office